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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,888	06/15/2001	Ake Bergquist	VCC0079-US	3464

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WASHINGTON, DC 20005

EXAMINER

COURSON, TANIA C

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

09/883,888

Applicant(s)

BERGQUIST ET AL.

Examiner

Tania C. Courson

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-- The MAILING DATE of this communication appears on th cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on December 18, 1998. It is noted, however, that applicant has not filed a certified copy of the aforementioned application as required by 35 U.S.C. 119(b).

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following must be shown or the feature(s) canceled from the claim(s):

- a) "said warning triangle in the fold-up position" as stated in line 5 of claim 1;
- b) "one of three legs of said warning triangle" as stated in line 2 of claim 2, and;
- c) "right angles to a road surface" as stated in line 2 of claim 7.

No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the following as described in the specification:

- a) "warning triangle in its fold-up position" (page 2, line 14);
- b) "alternative embodiment (not shown)" (page 3, line 26);

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- c) “three legs” (page 3, line 29);
- d) “triangle when deployed (not shown)” (page 3, lines 29-30);
- e) “oriented at right angles to a road surface (not shown)” (page 4, line 15), and,
- f) “that side of the leg of the warning triangle” (page 4, line 19).

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### *Specification*

- 4. The abstract of the disclosure is objected to because of the following:
  - a) change “folded-up warning triangle” to “fold-up warning triangle” on page 8, lines 5 and 8, and;
  - b) confusing language, on page 8, lines 4-6.

Correction is required. See MPEP § 608.01(b).

- 5. The disclosure is objected to because of the following informalities:
  - a) on page 1, line 27, change from “Such trunk” to “Such a trunk”;
  - b) on pages 1-4, change “folded-up” to “fold-up”;
  - c) on pages 3-5, bold type font of place parentheses around all the reference numerals;

Appropriate correction is required.

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Motor Vehicle With a Boundary Edge in the Rear Hatch To Carry a Fold-Up Warning Triangle.

***Claim Objections***

7. Claims 1, 3, and 8 are objected to because of the following informalities:
- a) claim 1, in line 5, "folded-up" should read "fold-up";
  - b) claim 3, in line 1, "folded-up" should read "fold-up";
  - c) claim 3, in line 2, "said edge portion of said hatch" should read "said boundary edge of said hatch";
  - d) claim 8, in line 2, "said edge portion of said hatch" should read "said boundary edge of said hatch".

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallitzendorfer (U.S. Patent No. 4,353,111) in view of Hornung et al. (U.S. Patent No. 6,160,475).

Gallitzendorfer discloses a motor vehicle with a rear hatch comprising:

- a) an opening having a boundary edge and covered by a hatch (Fig. 1, body end member 1), said hatch being arranged so that it can move between a closed position and an open position (Fig. 1); and wherein said warning device (Fig. 1, lighting elements 5) is secured in an edge portion of said hatch bearing against the boundary edge of the opening in the closed position of said hatch such that a warning surface of said warning triangle is visible to other traffic when said hatch is in its open position (Fig. 3);
- b) said warning surface is situated on the warning device (Fig. 3);
- c) said warning surface is oriented essentially at right angles to a road surface (Fig. 3) used by the vehicle when said hatch is in its opened position.

Gallitzendorfer does not disclose two warning triangles in the folded-up position, said fold-up warning triangles are releasably fitted in a recess in said boundary edge of said hatch, said recess having a wall interrupted by at least one triangle shaped hole(s) through which said warning surface is visible to other traffic when said hatch is in its open position.

With respect to two warning triangles, Hornung et al. teach a warning lighting device in the door of a vehicle that consists of two warning triangles in the folded-up position (Fig. 1), said fold-up warning triangles are releasably fitted in a recess in said boundary edge (Fig. 3) of said hatch, said recess having a wall (Fig. 3, layer 11) interrupted by at least one triangle shaped hole(s) (Fig. 1) through which said warning surface is visible to other traffic when said hatch is in its open position (column 2, lines 8-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the motor vehicle with a rear hatch of Gallitzendorfer, so as to replace Gallitzendorfer's warning device (lighting elements 5), with the warning triangles, as taught by Hornung et al., in order to amplify the warning effects for following traffic.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited on PTO-892 and not mentioned above disclosed relative devices: a) Zimmerman et al. discloses lighting arrangements for motor vehicles; b) Gold (U.S. Patent No. 5,852,400) discloses light-reflecting rear door display; c) Gold (U.S. Patent No. 5,523,926) discloses an industrial van with rear door light display; d) Yang discloses a triangle warning light in the rear of an automobile; e) Naruke et al. discloses a vehicle door warning light; f) Barenyi discloses a warning light for vehicles, and; g) Steele, Jr. discloses a safety exit alert for automobiles.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania Courson whose telephone number is (703) 305-3031. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (703) 308-3875. The fax number for this Organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



DIEGO F.F. GUTIERREZ  
SUPERVISORY PATENT EXAMINER  
GROUP ART UNIT 2859

TC  
May 6, 2002